

★ **ARGUMENT IN FAVOR OF PROPOSITION 5** ★

Our state prisons are badly overcrowded. Since the Legislature has been unable to solve the problem, we, the people, must do it with Proposition 5.

Prisons cost us \$10 billion every year, but California spends little on rehabilitation. That's short-sighted. Young people with drug problems can't get treatment. Too many nonviolent adults with addictions crowd our prisons. Tens of thousands cycle in and out, untreated.

Proposition 5, the Nonviolent Offender Rehabilitation Act, is a smart way to solve these problems by treating violent and nonviolent offenders differently. Prop. 5 reduces prison overcrowding safely, pays for itself annually, and over time saves California \$2.5 billion.

Here's what it does:

FIRST, Prop. 5 gives nonviolent youth with drug problems access to drug treatment.

SECOND, it reduces the number of nonviolent drug offenders going into prison by providing drug treatment programs with real accountability.

THIRD, it requires the prison system to provide rehabilitation to prisoners and parolees.

For at-risk youth, California now offers no drug treatment. Families have nowhere to turn.

Prop. 5 creates treatment options for young people with drug problems. They can be referred to treatment by family, school counselors, or physicians. Those caught with a small amount of marijuana will get early intervention programs. In this way, we can steer youth away from addiction and crime.

For nonviolent drug offenders, treatment works. Voter-approved Proposition 36 (2000) provided treatment, not jail, for nonviolent drug users. One-third completed treatment and became productive, tax-paying citizens. Since 2000, Prop. 36 has graduated 84,000 people and saved almost \$2 billion.

Prop. 5 builds upon Prop. 36 and improves it. Prop. 5 offers greater accountability and better treatment for nonviolent

offenders. People must pay a share of treatment costs. Judges can jail offenders who don't comply with treatment, and give longer sentences to those who repeatedly break the rules.

For state prisons, Prop. 5 requires all offenders to serve their time and make restitution. After release, they'll get help to re-integrate into society. Some will need education or job training, others drug treatment. Prop. 5 gives former inmates the chance to turn their lives around.

Prop. 5 holds nonviolent parolees accountable for minor parole violations with community sanctions, drug treatment, or jail time. For serious offenses they'll be returned to state prison. Parolees with a history of violence, gang crimes, or sex offenses can be returned to prison for any parole violation.

Treating violent and nonviolent offenders differently is the smart fix for overcrowded prisons. Prop. 5 saves \$2.5 billion within a few years, according to the nonpartisan Legislative Analyst.

Prop. 5 makes sure that there will always be room for violent criminals in prison. It also toughens parole requirements for violent criminals.

YES on Prop. 5 is a smart, safe way to:

- Prevent crime with drug treatment for youth;
- Provide rehab, not prison, for nonviolent drug offenders;
- Reduce prison overcrowding;
- Keep violent offenders in prison; and
- Free up billions for schools, health care, and highways.

JEANNE WOODFORD, Former Warden
San Quentin State Prison

DANIEL MACALLAIR, Executive Director
Center on Juvenile and Criminal Justice

DR. JUDITH MARTIN, President
California Society of Addiction Medicine

★ **REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 5** ★

Proposition 5 will increase crime.

Dumping 45,000 criminals out of our prisons and into our communities through early release and shortened parole will not "save" money in the prison system—but it *will* increase crime.

Why? Because according to official studies, those who "graduate" from Prop. 5-style programs in California actually commit new crimes at a *higher* rate than other released felons.

These aren't harmless "non-violent" criminals; they are felons who will be back in our neighborhoods—early and unsupervised—and victimizing our families again.

Proposition 5 doesn't help our youth.

In fact, it puts them at much greater risk by increasing the number of drug dealers returning to our communities every year.

Proposition 5 will massively increase costs to taxpayers.

This program will cost \$1 billion yearly with built-in increases. In a budget crisis, we cannot afford to risk funding schools and other vital services to pay for two huge new bureaucracies and programs that are proven failures.

Proposition 5 will also increase costs to local taxpayers, triggering severe financial consequences and tax increases for many cash-strapped counties. More than 20 counties would have to build new jails, since they are already at capacity, yet proponents completely ignore the billions in new spending and taxes which Proposition 5 could impose on local taxpayers.

Proposition 5 isn't real reform, it's an expensive sham designed to let criminals go free sooner, with less supervision.

Vote "No" on early parole. Vote "No" on Proposition 5.

LAURA DEAN-MOONEY, National President
Mothers Against Drunk Driving (MADD)

THE HONORABLE STEVE COOLEY, District Attorney
County of Los Angeles

SENATOR JEFF DENHAM, Co-Chair
People Against the Proposition 5 Deception

★ **ARGUMENT AGAINST PROPOSITION 5** ★

Proposition 5 shortens parole for methamphetamine dealers and other drug felons from 3 years—to just 6 months.

That's why Proposition 5 has been called the "Drug Dealers' Bill of Rights."

But the damage Proposition 5 will cause to our schools and neighborhoods doesn't just end with making life easier for dope peddlers. This dangerous measure could also provide, in effect, a "get-out-of-jail-free" card to many of those accused of child abuse, domestic violence, mortgage fraud, identity theft, insurance fraud, auto theft, and a host of other crimes, letting them effectively escape criminal prosecution.

Proposition 5 even provides a way to avoid prosecution for those accused of killing innocent victims while driving under the influence—just one of the reasons it is strongly opposed by Mothers Against Drunk Driving (MADD).

California law enforcement, including our police chiefs and county prosecutors overwhelmingly oppose Proposition 5 because they know it is just a veiled attempt to dramatically slash parole time for convicted drug criminals—including dealers caught with up to \$50,000 of meth.

Proposition 5 also establishes two new bureaucracies with virtually no accountability, and which will cost hundreds of millions in taxpayer dollars.

The social costs, however, of increased drug crimes, domestic violence, identity theft, and consumer fraud will be incalculable.

Proposition 5 weakens drug rehabilitation programs by allowing defendants to continue using drugs while in rehab. These weakened programs would be funded by draining money away from the real treatment programs that actually do work.

Proponents want you to believe this is about keeping "non-violent offenders" out of prison, but according to Los Angeles County District Attorney Steve Cooley, "No first-time offender arrested in California solely for drug possession goes to prison—ever."

The real beneficiaries of Proposition 5 are the violent criminals who can escape prosecution for their violent acts by claiming they weren't responsible—"the meth made me do it."

Law enforcement professionals across California are bracing for the wave of felons that will be unleashed on our communities when parole for convicted meth dealers is slashed from three years to just six months, and when the deterrent for identity theft, domestic violence, and child abuse is reduced.

We simply cannot afford the massive havoc this measure will wreak on our families, schools, and neighborhoods.

Please join with bi-partisan leaders representing victims' groups, medical professionals, peace officers, and district attorneys, as well as business, labor, and community leaders in rejecting this dangerously flawed initiative.

Protect our neighborhoods from violent crime. Vote "NO" on Proposition 5.

To read the facts, visit www.NoOnProposition5.com.

CHARLES A. HURLEY, CEO
Mothers Against Drunk Driving (MADD)

JERRY DYER, President
California Police Chiefs Association

BONNIE M. DUMANIS, President
California District Attorneys Association

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 5** ★

JUDGE JAMES P. GRAY SAYS:

Don't believe the scare tactics.

Under Prop. 5, judges make the call as to which nonviolent offenders get into treatment and which don't. Judges know how to separate dangerous offenders from deserving cases. We do it every day.

Nothing in Prop. 5 prevents judges from sentencing dangerous offenders for the crimes mentioned by opponents.

Prop. 5 is a good law that preserves judges' discretion and gives us new powers to hold offenders accountable during drug treatment.

FORMER POLICE CHIEF NORM STAMPER SAYS:

Prop. 5 separates violent offenders from nonviolent offenders. It gives nonviolent offenders who are ready to change an opportunity, and a reason, to do so.

Prop. 5 protects public safety by strictly limiting its benefits to those with no history of serious or violent crime, or who have served their time and been crime-free for five years.

Eighty percent of the people in California prisons have a problem with substance abuse. Most get no treatment. After prison, many go back to drugs and return to prison.

We must break the cycle of crime. Drug treatment and rehabilitation can do that.

YOUTH DRUG TREATMENT SPECIALIST ALBERT SENELLA SAYS:

We must prevent kids from using drugs and help those who have already started.

Prop. 5 would create California's first network of treatment programs for young people. It helps kids avoid addiction.

The League of Women Voters of California has endorsed Prop. 5. It's the safe, smart way to bring about the change we need.

JUDGE JAMES P. GRAY
Orange County Superior Court
NORM STAMPER, Former Assistant Chief of Police
San Diego

ALBERT SENELLA, Chief Operating Officer
Tarzana Treatment Centers